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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/571,609	03/10/2006	Melchor Daumal Castellon	001058-00035	4816

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EXAMINER

KELLER, MICHAEL J

ART UNIT	PAPER NUMBER
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3634

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/571,609	CASTELLON, MELCHOR DAUMAL	
	Examiner	Art Unit	
	Michael J. Keller	3634	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 December 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 March 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>03/20/2007</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. In the Reply dated 12/03/2008, Applicant has amended claims 1-3, 6 and 7.

Information Disclosure Statement

2. The IDS filed 03/10/2007 cited three European (EP) patent documents having patent numbers identical to three Japanese (JP) patent documents which Applicant filed with the IDS. It is clear to the Examiner that the EP country code for these documents was a typographical error. Therefore, the EP documents cited on the IDS have not been considered, and Examiner has cited the JP documents on form PTO-892.

Drawings

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the window lifter rail recited in claim 1 line 5 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering

Art Unit: 3634

of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

4. Claim 7 is objected to because of the following informalities: The claim recites "window lifters in vehicle" in line 1. Examiner suggests deleting this phrase and replacing it with "vehicle window lifters" in order to be consistent with the language of claims 1-6.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. **Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Kinoshita et al. (US 4,727,861).**

Kinoshita '861 discloses a pulley device comprising: a revolving pulley 20; and a support device 5 attached to an end of a guide rail 3; the support device including at least one stopper 26; wherein the support device is a flat member equipped with an opening (inserting hole 27a) at one end thereof for assembling the at least one stopper

Art Unit: 3634

26, and the support device includes means (narrow hole 27b) for positioning the at least one stopper at an angle.

7. **Claims 1 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Saito et al. (JP 3-228987).**

Regarding **claim 1**, Saito discloses a pulley device comprising: a revolving pulley 9; and a support device 4 attached to an end of a guide rail 3; the support device including at least one stopper 37; wherein the support device is a flat member equipped with an opening 45 at one end thereof for assembling the at least one stopper, and the support device includes means (holes 43 and 44) for positioning the at least one stopper at an angle.

Regarding **claim 5**, the support device has a positioning projection 5 which extends downwards and is capable of being inserted into a hole in the rail.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. **Claims 2 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kinoshita et al. (US 4,727,861).**

Regarding **claim 2**, Kinoshita '861 discloses a pulley device as set forth above, wherein the at least one stopper includes a tubular body having a lower extension

Art Unit: 3634

insertable into the opening (Fig. 3). Kinoshita '861 does not disclose a lower extension having a V-shaped cross-section.

It would have been an obvious matter of design choice to form the lower extension of Kinoshita '861 with a V-shaped cross-section. Such a modification would not result in any change in the function of the lower extension, and changes in size or shape without special functional significance are not patentable. *Research Corp.v. Nasco Industries, Inc.*, 501 F2d 358; 182 USPQ 449 (CA 7) cert. Denied 184 USPQ 193; 43 USLW 3359 (1974).

Regarding **claim 4**, Kinoshita '861 discloses side tabs on the tubular body, supported on the flat member (Fig. 3).

10. Claims 2-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saito et al. (JP 3-228987) in view of Kinoshita et al. (US 6,910,730).

Regarding **claim 2**, Saito discloses a pulley device as set forth above, wherein the at least one stopper 37 includes a tubular body having a lower extension 47 insertable into the opening (Fig. 7). Saito does not disclose a lower extension having a V-shaped cross-section.

Kinoshita '730 discloses a stopper 9 having a tubular body 9a and a V-shaped lower extension 9b inserted into an opening.

It would have been obvious to one of ordinary skill in the art, at the time of the invention, to provide the lower extension 47 of the stopper 37 of Saito with the V-shaped cross-section of Kinoshita '730. Doing so would secure the stopper 37 of Saito to the support device during installation before the pulley has been fixed to the support device.

Regarding **claim 3**, Saito discloses wherein the means for positioning the at least one stopper at an angle includes a plurality of holes 43 and 44 in the support device into one of which a pivot 40 extending from the tubular body is inserted.

Regarding **claim 4**, Saito discloses side tabs on the tubular body, supported on the flat member (Fig. 7).

11. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Saito et al. (JP 3-228987) in view of Kinoshita et al. (US 6,910,730) as applied to claim 2 above, and further in view of Tschirschwitz et al. (US 5,333,411).

Saito and Kinoshita '730 disclose a pulley device as set forth above, but do not disclose wherein the support device includes a rivet with a hole.

Tschirschwitz discloses a connection comprising a pulley 31' mounted on a first flat member 3' by a rivet 37 with a hole, wherein the first flat member 3' is mounted on a second flat member 9 by a fastener 32".

It would have been obvious to one of ordinary skill in the art, at the time of the invention, to replace one of the fasteners 5 and the holding shaft 10 of Saito with the rivet 37 and fastener 32" of Tschirschwitz. Doing so would allow the dimensions of the support device of Saito to be reduced thereby reducing the overall weight of the pulley device.

12. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Saito et al. (JP 3-228987) in view of Tschirschwitz et al. (US 5,333,411).

Saito discloses a pulley device as set forth above, but does not disclose wherein the support device includes a rivet with a hole.

Tschirschwitz discloses a connection comprising a pulley 31' mounted on a first flat member 3' by a rivet 37 with a hole, wherein the first flat member 3' is mounted on a second flat member 9 by a fastener 32".

It would have been obvious to one of ordinary skill in the art, at the time of the invention, to replace one of the fasteners 5 and the holding shaft 10 of Saito with the rivet 37 and fastener 32" of Tschirschwitz. Doing so would allow the dimensions of the support device of Saito to be reduced thereby reducing the overall weight of the pulley device.

Response to Arguments

13. Applicant's arguments regarding the rejection of claim 1 under 35 USC 102(b) as being anticipated by Kinoshita '861 have been fully considered but they are not persuasive. Applicant has argued that claim 1 recites two separate elements, an opening for assembling the stopper and a means for positioning the stopper at an angle, whereas Kinoshita '861 discloses a single opening 27 for performing both functions. Examiner disagrees with this interpretation and considers the inserting hole 27a and the narrow hole 27b to be two separate elements, wherein the inserting hole 27a is an opening for assembling the stopper, and the narrow hole 27b is a means for positioning the stopper at an angle.

14. Applicant's arguments regarding the rejection of claim 2 under 35 USC 103(a) as being unpatentable over Kinoshita '861 have been fully considered but they are not persuasive. Applicant has argued that the V-shape of the lower extension 7 of the stopper 5 does have special functional significance because it prevents the body 6 from

Art Unit: 3634

being released from the support device 3. However, Examiner observes that the V-shape is not required for performing the function set forth by Applicant. Rather, the body is retained on the support device because the lower extension is wider than the opening. The rectangular shaped lower extension of the stopper 26 of Kinoshita '861 also performs the function of preventing the body from being released from the support device, and changing the shape of the lower extension would not alter its functionality.

15. Applicant's arguments regarding the rejections of claims 3 and 5-7 are moot in view of the new grounds of rejection.

Conclusion

16. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J. Keller whose telephone number is 571-270-5219. The examiner can normally be reached on Monday - Friday 9:00am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Katherine Mitchell can be reached on 571-272-7069. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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